



DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONAL SERVICES

Report on Restrictive Housing – Fiscal Year 2018

Fulfilling Reporting Requirements Correctional Services Article, § 9-614,  
Annotated Code of Maryland

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Governor Lawrence J. Hogan  
Lt. Governor Boyd K. Rutherford  
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# Report on the use of Restrictive Housing during Fiscal Year 2018

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## INTRODUCTION

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Chapter 596 of the Acts of the 2016 Maryland General Assembly enacted Senate Bill 946 (SB 946), Correctional Services – Restrictive Housing – Report as Correctional Services Article, § 9-614, Annotated Code of Maryland. This statutory requirement directs the Department of Public Safety and Correctional Services (Department) to submit a report containing the preceding year's restrictive housing data to the Governor's Office of Crime Control and Prevention for publication on the agency's public website. This year's report includes restrictive and specialized housing data for fiscal year 2018.

Correctional Services Article, § 9-614, Annotated Code of Maryland requires the Department to report the following restrictive housing data elements:

- The total population of the correctional facility;
- The number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate's placement in restrictive housing;
- The Department's definition of "serious mental illness" and the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;
- The number of inmates known to be pregnant when placed in restrictive housing during the preceding year;
- The average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;
- The number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing during the preceding year;
- The number of inmates released from restrictive housing directly into the community during the preceding year;
- Any other data the Department considers relevant to the use of restrictive housing by correctional facilities in the State; and
- Any changes to written policies or procedures at each correctional facility relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

## OVERVIEW – Restrictive and Special Housing

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Four types of restrictive housing are used in the Department's correctional facilities:

- Administrative Segregation means that an inmate is confined to his or her assigned cell and retains many of the privileges allowed an inmate in general population. Administrative segregation is used when an inmate requires close observation by correctional staff or limited segregation from the general population. Administrative segregation is utilized to ensure the safety and security of the inmate, staff, the general inmate population, and the facility.
- Disciplinary Segregation means that an inmate is removed from the general inmate population and confined to a cell in a restricted housing unit. Inmates assigned to disciplinary segregation have certain privileges restricted in an effort to modify behavior. Disciplinary segregation is used for inmates found guilty by a hearing officer at an adjustment hearing for violating Departmental rules, institutional rules, or both.
- Maximum II Structured Housing (MIISH) means a securely controlled four stage step-down program for the Department's most frequently violent and dangerous inmates who are repeatedly placed on disciplinary segregation. The structured program encourages a reduction in violent behaviors through incentive based programming. As an inmate progresses through program's stages privileges are incrementally restored as an incentive for good behavior. The goal of the structured program is to prevent long-term assignment to disciplinary segregation by stabilizing violent inmates; and when possible, return them to general population.
- Serious Mental Illness Structured Housing is designed to provide a continuum of care and least restrictive environment consistent with institutional safety and security for those inmates with a diagnosed Serious Mental Illness (SMI), who might reasonably be expected to gain benefit from a structured program, and who earn repeated disciplinary segregation due to violent and/or dangerous behavior.

The Department uses two types of specialized housing for vulnerable inmates.

- Protective Custody is a special housing status for inmates who require protection for safety reasons, and includes separation from inmates assigned to the general population. Inmates in protective custody have the same privileges as inmates in general population.
- Special Needs Unit (SNU) is a special housing status designed to manage inmates diagnosed with a serious mental illness in the least restrictive environment possible. The goal of the SNU is to stabilize and provide treatment to SMI inmates; and when possible, return the inmates to general population with aftercare and ongoing support. Special Needs Units are operated as general population tiers with a special designation. These units offer more intensive mental health services.

## DPSCS Population and Demographics

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Over the course of fiscal year (FY) 2018, the Department's Division of Correction housed a total of 27,018 inmates.<sup>1</sup> The Department's average daily inmate population (ADP) in fiscal year (FY) 2018 was 19,151; the male inmate ADP for FY18 was 18,302 and the female inmate ADP for FY18 was 849. As a snapshot, the Department ended FY 18 with an inmate population of 18,998, which consisted of 18,522 male inmates and 818 female inmates.

The following charts present the racial summary and age summary of the FY 18 yearend inmate population:

Inmate Population	
Race	% of Population
Asian	0.4%
Black	70.9%
Indian	0.3%
Unknown	0.8%
White	27.7%

Inmate Population	
Ages	% of Population
Under 18	0.01%
18 to 25	11.62%
26 to 30	19.08%
31 to 35	16.75%
36 to 40	14.26%
41 to 50	19.43%
51 to 60	13.55%
Over 60	5.29%

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<sup>1</sup> Method of calculation: FY17 EOY Inmate Population (18,998) + FY18 Intakes (5,845) + FY18 Returns (2,175) = 27,018

## Restrictive Housing: Individuals Placed & Placements

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In FY 18, the Department placed 14,340 individual inmates on restrictive housing: 3,850 were placed on administrative segregation and 10,490 were placed on disciplinary segregation. It is important to note that some inmates were placed on restrictive housing more than once during the reporting period.

In FY 18, there were 18,324 placements on restrictive housing: 4,578 placements on administrative segregation and 13,746 placements on disciplinary segregation. The tables below display the number of restrictive housing placements and the number of inmates moved off of restrictive housing (“removals”) by month.

Administrative Segregation		
Month	Placements	Removals
January	367	469
February	375	589
March	333	533
April	295	299
May	240	409
June	69	392
July	572	119
August	500	282
September	356	367
October	486	328
November	524	433
December	461	358

Disciplinary Segregation		
Month	Placements	Removals
January	1,211	1,157
February	1,273	1,102
March	1,369	1,608
April	1,204	1,549
May	1,110	1,648
June	312	1,526
July	1,154	238
August	1,243	686
September	1,196	937
October	1,258	1,038
November	1,218	1,206
December	1,198	1,051

The table below provides FY 18 segregation placements according to housing location.

<b>Segregation Placements by Facility at the end of FY18</b>		
<b>Facility</b>	<b>Type</b>	<b>Count</b>
BCBIC	Disciplinary Seg	5
ECI	Administrative Seg	149
ECI	Disciplinary Seg	205
JCI	Administrative Seg	39
JCI	Disciplinary Seg	26
MCIH	Administrative Seg	37
MCIH	Disciplinary Seg	36
MCIJ	Administrative Seg	52
MCIJ	Disciplinary Seg	33
MCIW	Administrative Seg	1
MCIW	Disciplinary Seg	23
MCTC	Administrative Seg	169
MCTC	Disciplinary Seg	175
MRDCC	Administrative Seg	3
MRDCC	Disciplinary Seg	15
NBCI	Administrative Seg	95
NBCI	Disciplinary Seg	147
PATXNT	Administrative Seg	8
PATXNT	Disciplinary Seg	20
RCI	Administrative Seg	127
RCI	Disciplinary Seg	99
WCI	Administrative Seg	100
WCI	Disciplinary Seg	206

The following charts and graphs display the age categories for the individual inmates placed on restrictive housing in FY18:

Individuals Placed on Restrictive Housing		
Ages	Count	% Restrictive Housing
Under 18	5	0.0%
18 to 25	2,320	16.2%
26 to 30	3,560	24.8%
31 to 35	2,838	19.8%
36 to 40	2,059	14.4%
41 to 50	2,466	17.2%
51 to 60	966	6.7%
Over 60	126	0.9%



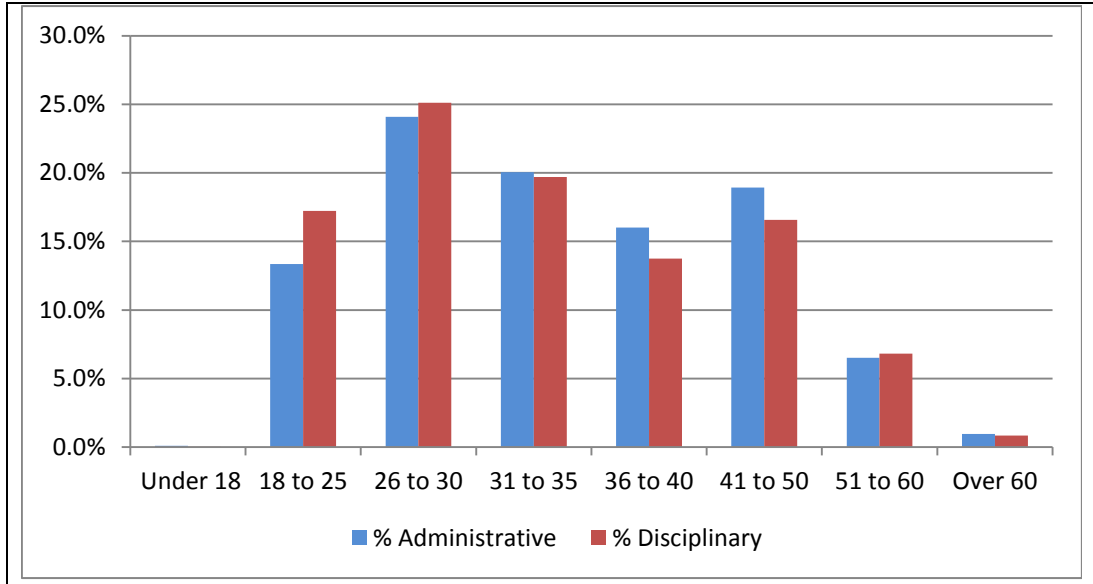
Individuals Placed on Administrative Segregation		
Ages	Count	% Administrative
Under 18	4	0.1%
18 to 25	514	13.4%
26 to 30	927	24.1%
31 to 35	772	20.1%
36 to 40	616	16.0%
41 to 50	729	18.9%
51 to 60	251	6.5%
Over 60	37	1.0%



Individuals Placed on Disciplinary Segregation		
Ages	Count	% Disciplinary
Under 18	1	0.0%
18 to 25	1,806	17.2%
26 to 30	2,633	25.1%
31 to 35	2,066	19.7%
36 to 40	1,443	13.8%
41 to 50	1,737	16.6%
51 to 60	715	6.8%
Over 60	89	0.8%





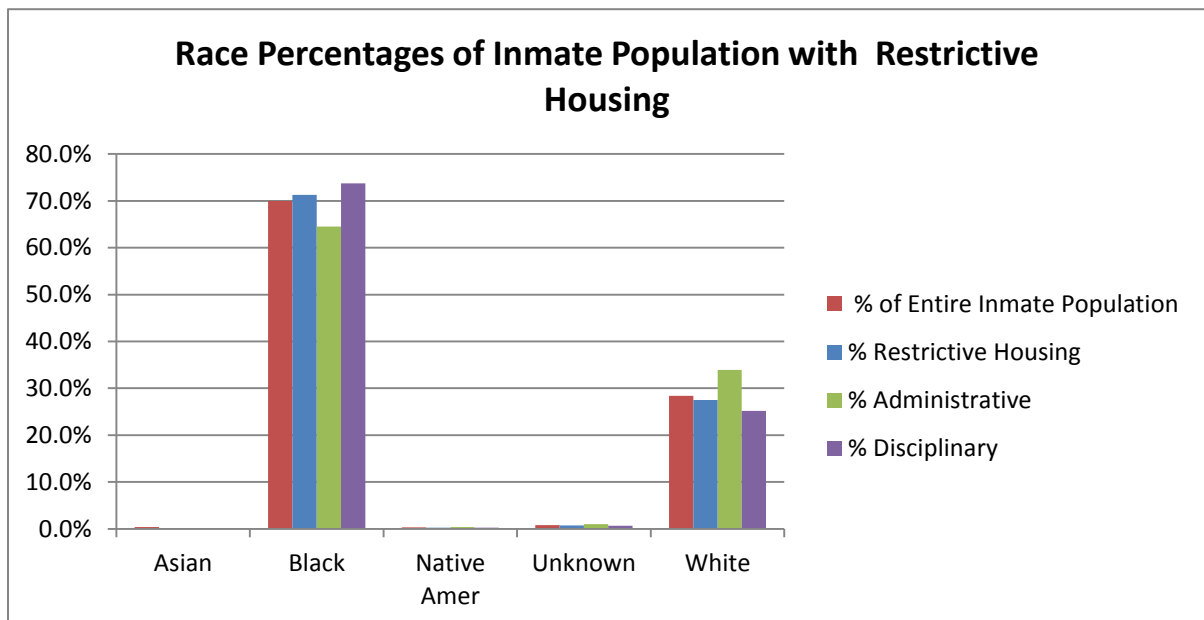


The following charts and graph display the racial summaries of the individual inmates placed on restrictive housing in FY18:

RACE	% Restrictive Housing
Asian	0.2%
Black	71.3%
Nat Amer	0.3%
Unknown	0.7%
White	27.5%

RACE	% Administrative
Asian	0.2%
Black	64.5%
Nat Amer	0.4%
Unknown	1.0%
White	33.9%

RACE	% Disciplinary
Asian	0.2%
Black	73.7%
Nat Amer	0.3%
Unknown	0.6%
White	25.2%



## Serious Mental Illness

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The Department defines "Serious Mental Illness" (SMI) in accordance with the Code of Maryland Regulations (COMAR), as follows:

### COMAR 10.21.17.02 (76)

(76) "Serious mental illness" means a mental disorder that is:

- (a) Manifest in an individual 18 years old or older;
- (b) Diagnosed, according to a current diagnostic classification system that is recognized by the Secretary as:
  - (i) Schizophrenic disorder;
  - (ii) Major affective disorder;
  - (iii) Other psychotic disorder; or
  - (iv) Borderline or schizotypal personality disorder, with the exclusion of an abnormality that is manifested only by repeated criminal or otherwise antisocial conduct; and
- (c) Characterized by impaired functioning on a continuing or intermittent basis, for at least 2 years, and includes at least three of the following:
  - (i) Inability to maintain independent employment;
  - (ii) Social behavior that results in interventions by the mental health system;
  - (iii) Inability, due to cognitive disorganization, to procure financial assistance to support living in the community;
  - (iv) Severe inability to establish or maintain a personal support system; or
  - (v) Need for assistance with basic living skills.

In FY 18, the Department treated approximately 3,017 inmates diagnosed with a SMI. Of those individuals diagnosed with a SMI, 230 were placed on restrictive housing, including both administrative and disciplinary segregation.

## Pregnancy

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In FY 18, there were no pregnant inmates placed on restrictive housing.

## Lengths of Stay

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The following chart displays the average and median length of stay, in days, for FY18 restrictive housing placements:

	Average	Median
Restrictive Housing	45.6	30
Administrative Segregation	50.3	34
Disciplinary Segregation	44.1	29

## Deaths, Self-Harm and Attempted Self-Harm

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The following chart displays suicidal gestures, attempts, and deaths occurring in FY18 while placed on restrictive housing:

Self-Harm while on Restrictive Housing			
	Suicidal Gestures	Attempted Suicides	Suicides
All Inmates	51	87	6
Restrictive Housing	10	40	1
Administrative Segregation	0	4	0
Disciplinary Segregation	10	36	1

## Direct Releases from Restrictive Housing

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The following chart displays the number of inmates released directly from restrictive housing in FY18 with the average and median length of stay, in days.

Releases while on Restrictive Housing		Length Of Stay	
	Count	Average	Median
Restrictive Housing	287	59.6	49
Administrative Segregation	123	61.6	48
Disciplinary Segregation	164	57.5	47

The Department has begun implementation of several initiatives that will improve the agency's ability to ethically and safely manage inmates with chronically violent behavior, and inmates with serious mental illness. Changes to Department policy and procedure include: (I) the promulgation and implementation of new COMAR 12.03.01 entitled *Inmate Disciplinary Process*; (II) the ongoing implementation of a Maximum II Structured Housing (MIISH) program; (III) creation of a specialized housing unit for inmates with serious mental illness (SMI); (IV) the increased mental health services in the Department's new mental health contract; and, (V) the Department plans to propose additional regulatory reform to update the definition of serious mental illness and substantially limit the use of disciplinary segregation with inmates who have a serious mental illness.

### **I. Promulgation and implementation of COMAR 12.03.01.01 through .34 — Inmate Disciplinary Process**

On July 2, 2018 the Department began implementation of COMAR 12.03.01. The purpose of the new regulations was two-fold:

1. The Department repealed three largely duplicative chapters including the Division of Correction's COMAR 12.02.27 — Inmate Discipline, Patuxent Institution's COMAR 12.12.30 — Inmate Discipline, and the Division of Pretrial Detention and Services' COMAR 12.16.02 — Resident Discipline. Each of these chapters addressed inmate discipline within the Department's correctional facilities, and were consolidated into one chapter under Operation's COMAR 12.03.01 — Inmate Disciplinary Process. The new and consolidated chapter clarifies procedures, reduces duplication, and creates a uniform process for inmate discipline for all applicable Department units.

2. The Department seeks to improve its application and use of disciplinary segregation as a method for inmate discipline. In 2015, the Department requested the National Institution of Corrections (NIC) to provide technical assistance and recommendations for the improvement of the Department's inmate discipline policies. The Department believes the new regulations governing the imposition of discipline and the revised disciplinary matrix will, over time, lead to a significant reduction in the Department's use of disciplinary segregation. The new regulations:

- Reduce the overall length of time an inmate may be placed on disciplinary segregation relative to the corresponding rule violation;
- Allow an inmate to receive credit for time served on administrative segregation if sentenced to disciplinary segregation for the violation;
- Establish a matrix that allows inmates who are violation free for a period of time to "reset" the level of discipline back to the "first offense" level;
- Eliminate the mandatory sanction of restricted visitation, while also limiting the maximum amount of time the visitation restriction can be applied;
- Eliminate a hearing officer's ability to override and increase an inmate's length of discipline beyond what the matrix allows; and
- Requires hearing officers to sentence an inmate to a concurrent sentence for all rule violations instead of requiring an inmate to serve the sentences consecutively.

*Length of Time an Inmate May be Placed on Disciplinary Segregation*  
COMAR 12.03.01.27

New COMAR			
Category of Inmate Rule Violation	Matrix for Imposition of Segregation Sentence		
	First Offense	Second Offense	Third Offense +
IA	0-60	0-90	0-180
IB	0-30	0-60	0-90
II	0	0	0
III	0-15	0-30	0-60
IV	0	0	0
V	0	0	0

Old COMAR				
Category of Inmate Rule Violation	Matrix for Imposition of Segregation Sentence			
	Violation Free	Good	Fair	Poor
I	30-60	60-120	90-180	180-365
II	0	0	0 or 15	30
III	0 or 15	0 or 30	0 or 45	60
IV	0	0 or 15	0 or 30	45
V	0	0	0 or 15	30

*Inmates who are Violation Free a for Period of Time have Discipline Levels “Reset” to First Level*

COMAR 12.03.01.24D

Category of Inmate Rule Violation	First Level of Discipline For a first time offense	Second Level of Discipline If current offense occurred within 9 months of prior first offense in the same category	Third Level of Discipline If current offense occurred within 2 years of the second offense in the same category	First Level of Discipline If the current offense occurred 9 or more months after a first offense in the same category	First Level of Discipline If the current offense occurred 2 or more years after a second, third, or subsequent offense in the same category
IA	0-60	0-90	0-180	0-60	0-60
IB	0-30	0-60	0-90	0-30	0-30
II	0	0	0	0	0
III	0-15	0-30	0-60	0-15	0-15
IV	0	0	0	0	0
V	0	0	0	0	0

## II. Development and Implementation of a Maximum II Structured Housing Program

One of the primary initiatives of the Department, as supported by numerous National Institute of Corrections (NIC) recommendations, has been to develop a structured housing program that targets violent inmates who routinely commit assaults and other serious rule violations while incarcerated.

The MIISH program was initiated in July 2017 and is located at North Branch Correctional Facility. MIISH is a securely controlled and monitored, four stage step-down program, for the Department's most frequently violent and dangerous inmates who are repeatedly placed on disciplinary segregation for the most serious rule violations (e.g. attempted murder, assault, hostage taking). The program targets an inmate's inappropriate behaviors – especially violent behaviors – and develops individualized case plans to alter outcomes through incentive based programming. The individualized case plans will target the top four risk factors for violent behavior, which include: (1) Antisocial Behavior; (2) Antisocial Personality Patterns; (3) Antisocial Cognition; and (4) Antisocial Associates.

### **III. SMI Structured Housing Program**

NIC recommended designating one correctional facility as the primary institution for a restrictive housing program for inmates who have been diagnosed with a SMI and continuously commit acts of violence while incarcerated. As a result the Department developed a SMI structured housing program (SMISH). This program located at the Western Correctional Institution and began to receive referrals in September 2017, and has begun implementing policies and procedures to address the needs of this population. The SMISH program's daily operations and step-down structure is similar to the MIISH program, but tailored to address the specific mental health needs of the SMI population.

### **IV. Increasing Mental Health Staff under the New Contract**

The Department recently entered into a new contract with a mental health services provider. Due to the increased need for services, the new contract, effective January 1, 2018, includes approximately 100 more mental health personnel than the previous contract.

Under the new contract, staffing will be increased across all disciplines, including psychiatrists, psychiatric nurse practitioners, mental health counselors, and nurses. The new contract also has positions specific to addressing the programmatic and care needs of the Maximum II Structured Housing program and the Serious Mental Illness Structured Housing program. Specifically, the new contract dedicates the following positions to these programs:

- Mental Health Technicians who will assist in psycho-educational groups in the structure housing programs; and,
- Activities therapists who implement and oversee groups and activities to meet the educational, recreational, and social needs of the patients.

The new contract also increases the number of nurses dedicated to administrative and disciplinary segregation units, which will enable the Department to expand its Taking a Chance on Change (TCC) program.<sup>2</sup>

### **V. Regulatory Reform for the Application of Discipline with Inmates Identified with a Serious Mental Illness.**

The Department has begun to develop a new definition of Serious Mental Illness (SMI) in order to better address the needs of inmates that may require special care. The work group tasked with developing the new definition has been researching and reviewing the policies of states that have recently updated their definition and policies in accordance with the recommendations of NIC and other promising practices.

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<sup>2</sup> TCC is a structured in-cell treatment program designed to provide inmates housed in long-term restrictive/segregated units with the opportunity to participate in psychoeducational programming. The purpose of TCC is to address cognitive and behavioral deficits, as well as challenges common among inmates in long-term restrictive housing such as impulse control, anger, emotion regulation, effective communication, goal-setting, and long-term planning. TCC has been proven to make reductions in criminal thinking and disciplinary infractions evidenced in the current study suggest this is a promising intervention and mode of treatment delivery.

The Department is also reviewing the laws and policies of other states as they relate to inmates with a SMI, and restrictive housing, discipline, and behavior modification. The Department plans to submit a COMAR proposal in Spring, 2019.

## CONCLUSION

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The roll out of the Maximum II Structured Housing Program and the SMI Structured Housing Program have been a slow, deliberate process, involving a significant amount of policy drafting, implementation and training. With the enactment of the July 1, 2018 COMAR changes coupled with the new mental health services and increased staff, the Department anticipates changes in FY 2019 on the impact of segregation use department wide. The Department will continue to review and make enhancements to its policies and procedures to address the safety and security concerns of its offenders.